

Department of Consumer Affairs  
Bureau of Automotive Repair

# Legislation / Regulations Update

*Sergy El-Morshedy, Program Support Unit  
BAR Advisory Group Meeting*

*October 19, 2017*

# Legislation

AB 188 (Salas): Vehicle Retire/Replace

AB 630 (Cooper): Vehicle Retire/Replace

AB 1005 (Calderon): Citation Fines

AB 1069 (Low): Taxicab Transportation Services

AB 1274 (O'Donnell): Smog Check Exemption

AB 1679 (Burke): Auto Body Labor Rate Surveys

SB 210 (Leyva): Heavy-Duty Motor Vehicles

SB 547 (Hill): Professions and Vocations

\* Disclaimer: Though every effort is made to ensure information provided on these slides is the most current, given the nature of the legislative process, hearing dates or bill summaries shown here may not reflect the latest updates. Please be sure to check [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov) for the most current bill information.

# AB 188 (Salas): Vehicle Retire/Replace

- Status: Signed by Governor and Chaptered by Secretary of State on 10/10/17.
- Summary:
  - Requires ARB to update guidelines for retire-and-replace option within EFMP to consider incentives to purchase light-duty trucks that mirror existing guidelines for the purchase of minivans
  - Program guidelines must make applicable to light-duty trucks the same standard for miles per gallon that is applicable to minivans
  - Incorporates statutory amendments proposed by AB 630 (Cooper)

# AB 630 (Cooper): Vehicle Retire/Replace

- Status: Signed by Governor and Chaptered by Secretary of State on 10/10/17.
- Summary:
  - Beginning FY 2018-2019, requires ARB and BAR to set specific annual goals for the retire-and-replace option and post information online
  - Requires ARB and BAR to update EFMP guidelines by expanding allocation of funds for the retire-and-replace option, or “mobility” option for car-sharing and public transportation vouchers, by 01/01/19
  - Allows for redirection of EFMP, VIRF and HPRRA funds to ARB’s “Clean Cars 4 All” program as needed
  - Incorporates statutory amendments proposed by AB 188 (Salas)

# AB 1005 (Calderon): Citation Fines

- Status: Introduced on 02/16/17. Assembly Business & Professions Committee passed on 04/25/17 and re-referred to Appropriations Committee. Referred to suspense file on 05/17/17. Held under submission on 05/26/17.
- Date of Next Hearing: Legislature reconvenes 01/04/18
- Summary:
  - Requires that any citation issued by DCA's boards and bureaus containing an order to pay an administrative fine also include an order of abatement period granting time for abatement of the violation before the administrative fine becomes effective
  - 2-year bill

# AB 1069 (Low): Taxicab Transportation Services

- Status: Signed by Governor and Chaptered by Secretary of State on 10/13/17.
- Summary:
  - Establishes that taxicab regulation is done through local ordinances
  - Requires taxicab companies to maintain vehicles in safe operating condition and in compliance with the Vehicle Code
  - Requires an annual inspection to be performed by a BAR licensee as prescribed by local jurisdiction

# AB 1274 (O'Donnell): Smog Check Exemption

- Status: Signed by Governor and Chaptered by Secretary of State on 10/10/17.
- Summary:
  - Beginning January 1, 2019:
    - Requires ARB to extend biennial Smog Check exemption to 7- and 8-model-year old vehicles
    - Exempted vehicle owners shall pay \$25 annual abatement fee; \$4 deposited to VIRF
    - Remaining \$21 will be used on grants for Moyer voluntary emissions reduction program
    - Does not impact the '4 model-years and newer' exception for change-of-ownership inspections
  - Exemption expires 01/01/24 for all  $\leq 8$  model-year vehicles unless repealed or extended in statute

# AB 1679 (Burke): Auto Body Labor Rate Surveys

- Status: Introduced on 02/17/17. Insurance Committee passed on 04/19/17 and re-referred to Appropriations Committee. Referred to suspense file on 05/17/17.
- Date of Hearing: Hearing postponed on 05/26/17. Legislature reconvenes 01/04/18.
- Summary:
  - Replaces provisions established by CDI regulations that went into effect 01/01/17
  - Requires redevelopment of methodology for determining labor rates for auto body repair
  - Requires insurers using labor rate surveys to conduct surveys in specific geographic areas and report results to CDI every 24 months
  - Prevents an insurer from “steering” an auto body insurance claimant from seeking repairs at a preferred repair shop
  - 2-year bill



# SB 210 (Leyva): Heavy-Duty Motor Vehicles

- Status: SB 638 introduced on 02/17/17. SB 210 was amended on 08/23/17 to change subject to HD I/M issue. Referred to Rules Committee on 08/28/17.
- Date of Hearing: Legislature reconvenes 01/04/18
- Summary:
  - Requires ARB and BAR to adopt regulations that would require emission inspection and compliance standards and procedures for testing heavy-duty vehicles
  - Creates the Truck Emission Check (TEC) Fund and Diesel Emission System Inspection and Smoke Test (DESIST) Account in the fund
  - 2-year bill

# SB 547 (Hill): Professions and Vocations

- Status: Signed by Governor and Chaptered by Secretary of State on 10/02/17.
- Summary:
  - Requires DCA annual report to the Legislature on progress of licensing system transition for BAR and other boards/bureaus that are not integrated into BreEZe
  - Exempts BAR from state procurement requirements governing the acquisition and characteristics of state vehicles

# Pending BAR Regulations

- Mobile Automotive Repair Advertising
- Electronic Documents and Consumer Authorization
- BAR-97 Specifications
- Training Provider Requirements
- STAR Program Clean-Up
- Brake and Lamp Programs
- Exempted Minor Services and Pre-Service Inspection
- Oil Change Service Intervals

# Mobile Automotive Repair Advertising

- Purpose: To establish advertising requirements for mobile automotive repair businesses
- History: Filed with OAL on 04/17/17. Disapproved by OAL on 05/30/17 for technical reasons.
- Status: Third 15-day public comment period ended 06/30/17. Final rulemaking package resubmitted to OAL on 10/04/17.
- Next Step: BAR request for immediate adoption upon filing with Secretary of State; BAR outreach with consumers and industry

# Electronic Documents and Consumer Authorization

- Purpose: To (1) allow for electronic estimates and authorizations, transmission, and storage of repair transaction documents; (2) reorganize estimate, work order, and invoice provisions to more closely align with automotive repair transactions; and (3) clarify language as necessary
- History: Public workshops held 07/23/15, 10/21/15, and 07/21/16. Public hearing held on 09/26/17.
- Status: BAR review of public comments; 15-day comment period on any revisions
- Next Step: Finalize rulemaking package and submit to OAL

# BAR-97 Specifications

- Purpose: To modernize BAR-97 equipment standards for Smog Check stations by: (1) removing dedicated analog phone line requirement; (2) requiring LPFET to communicate directly with BAR-97; and (3) updating minimum computer hardware and software standards
- History: Public workshop on 10/20/16; ET Blast on 04/07/17; Summer 2017 ARSC newsletter
- Status: Review by BCSH Agency
- Next Step: File with OAL and begin 45-day public comment period

# Training Provider Requirements

- Purpose: To (1) make requirements for certification of Smog Check training providers consistent with current licensing requirements; (2) authorize training for compliance with laws and regulations; and (3) make conforming changes to Disciplinary Guidelines
- History: Public workshop held on 10/21/15; DCA Legal preliminary review suspended on 02/01/16 until adoption of Disciplinary Guidelines, adopted 07/28/16
- Status: DCA Legal preliminary review
- Next Step: DCA-wide formal review

# STAR Program Clean-Up

- Purpose: To (1) delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statute
- History: Public workshop held on 07/21/16
- Status: DCA Legal preliminary review
- Next Step: DCA-wide formal review



# Brake and Lamp Programs

- Purpose: To (1) update handbooks and licensing applications for brake and lamp adjusters and stations; and (2) update brake and lamp certificates
- History: Public workshop held on 10/20/16
- Status: In development at BAR
- Next Step: DCA Legal preliminary review

# Exempted Minor Services & Pre-Service Inspection

- Purpose: (1) Updates list of minor services exempted from statutory definition of “repair of motor vehicles;” (2) defines “roadside services” and includes it in the list of minor services; and (3) defines “pre-service inspection” that can be performed upon customer’s oral authorization.
- History: Public workshop held on 07/20/17
- Status: DCA Legal preliminary review on 10/13/17
- Next Step: DCA-wide formal review

# Oil Change Service Intervals

- Purpose:
  - Require ARDs to adhere to maintenance schedule published by vehicle manufacturer, industry accepted and nationally distributed automotive service specification provider, or CalRecycle, when making a recommendation to the customer; and
  - Does not prohibit customer from requesting an interval that differs from manufacturer's published maintenance schedule; and
  - Defines "recommendation" to include placement of a window sticker, reprogramming of an oil life indicator, statement on the invoice, etc.
- History: Public workshops held on 04/20/17 and 09/26/17
- Status: BAR review of workshop comments and possible revisions
- Next Step: DCA Legal preliminary review

# Questions and Comments

Submit additional questions and/or comments to:

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